

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INITIAL STATEMENT OF REASONS

TITLE 13, CALIFORNIA CODE OF REGULATIONS (13 CCR)
DIVISION 2, CHAPTER 6.5, ARTICLE 6 - CARRIER REQUIREMENTS
ADD SECTION 1230.5

INTERMODAL CHASSIS INSPECTION TAGS (CHP-R-03-05)

EXISTING REGULATIONS

Title 13, California Code of Regulations (13 CCR), Division 2, Chapter 6.5 contains California Highway Patrol (CHP) regulations governing Motor Carrier Safety. Section 1230.5 is proposed to provide specifications for Intermodal Chassis Inspection Tags.

PURPOSE OF REGULATORY ACTION

The purpose of this regulation is to specify the characteristics of intermodal chassis inspection tags required pursuant to recent amendments to California Vehicle Code (VC) Section 34505.9. Senate Bill (SB) 1507 (Romero) was signed into law on September 26, 2002 (Chapter 897, 02), effective January 1, 2003. The bill amended the language of Section 34505.9 VC, creating a statutory requirement for ocean marine terminal operators, who conduct an Intermodal Roadability Inspection Program, to affix tags to intermodal chassis indicating inspection results. The amended language requires a red tag to be affixed to a chassis that fails an inspection, and a green tag to be affixed to a chassis that passes an inspection. Further, the section directs that the tags shall be provided by the ocean marine terminal operators and shall meet specifications determined by the CHP. The proposed regulation contains specifications for the intermodal chassis inspection tags.

SECTION BY SECTION OVERVIEW

§1230.5. Intermodal Chassis Inspection Tags.

Section 1230.5 is added to prescribe the specifications for intermodal chassis inspection tags in order for the CHP to meet the newly enacted mandate of the California Legislature, pursuant to Section 34505.9 VC.

Subsection (a) is proposed to identify the circumstances under which intermodal chassis inspection tags must be affixed to intermodal chassis and to further clarify the tags shall be of a particular color — green for a chassis which has passed inspection, and red for a chassis which has failed an inspection.

Subsections (a)(1)-(4) are proposed to specify what information is to be on the tag, specifically: the name of the inspector; the date and time of the inspection; the result of the inspection (“pass” or “fail”); and a specific statement attesting to the condition of the chassis, including noted defects.

Subsection (a)(5) is proposed to permit additional information to be entered on the tags so long as the legibility of the required information is not affected.

Subsection (b) is proposed to specify minimum tag dimensions of 5.5 inches in height by 8.5 inches in width.

Subsection (c) is proposed to specify the placement and durability requirements of the tags in order to lend clarity to the statute.

The CHP has provided illustrations of the specifications proposed by these regulations in order to permit the motor carrier industry the opportunity to evaluate and/or reproduce proposed tag specifications in the appropriate color and size.

STUDIES/RELATED FACTS

On December 17, 2002, a meeting was held with members of the intermodal container shipping industry, who represented ocean marine terminal operators. According to industry representatives, it is currently a common practice to affix red or green tags to intermodal container chassis for a similar purpose. Draft examples of the proposed intermodal chassis inspection tags were circulated between the attendees who generally agreed the proposed specifications were suitable for their intended purpose.

LOCAL MANDATE

These regulations do not impose any new mandate on local agencies or school districts.

ECONOMIC IMPACT ON BUSINESSES

The CHP has not identified any significant adverse impact on businesses. Any costs to businesses are a result of the statutory requirements.

ALTERNATIVES

The CHP has not identified any alternative, including the no action alternative, that would be more effective and less burdensome for the purpose for which this action is proposed. Additionally, the CHP has not identified any alternative which would be as effective and less burdensome to affected persons other than the action being proposed.

Alternatives Identified And Reviewed

1. Amend the existing regulations as proposed.
2. Change statutes to directly require compliance with these amendments. This alternative would eliminate the present state rulemaking mechanism which provides for the adoption of regulations in 13 CCR. The proposed rulemaking action allows the CHP to retain discretion to promulgate regulations for carriers subject to the VC, considering changes in technology and industry practices over time.
3. Produce and distribute tags through the CHP. This alternative would result in higher costs to the CHP and to ocean marine terminal operators. At the time SB 1507 was going through the legislative process, this alternative was studied. Estimated cost for the CHP to produce intermodal chassis inspection tags was approximately \$.25 each, not including the personnel hours expended for distribution. Ocean marine terminal operators can produce these tags more economically. Production costs incurred by the state are passed along to the ocean marine terminal operators, resulting in higher costs for both the Department and ocean marine terminal operators.

FISCAL IMPACT TO THE STATE

The Department has determined these regulation amendments will result in:

- No significant increase in costs for the regulated community.
- No significant compliance cost for persons or businesses directly affected.
- No discernible adverse impact on the quantity and distribution of goods and services to large and small businesses or the public.
- No impact on the level of employment in the state.
- No adverse impact on the competitiveness of this state to retain businesses, as the majority of other states (especially neighboring) have already adopted these or similar requirements.